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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,691

07/10/2006

Rieko Fukushima

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EXAMINER

KIM, HEE-YONG

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/01/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,691	<b>Applicant(s)</b> FUKUSHIMA ET AL.	
	<b>Examiner</b> HEE-YONG KIM	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,9 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,9 and 14-18 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in reply to Applicant's Response dated July 23, 2010.
2. **Claim 2-8 and 10-13** has been cancelled.
3. **Claims 1, 9, 18 and 19** have been amended.
4. **Claims 1, 9, 14-19** are still pending.

### *Response to Arguments*

5. Objection to Drawing is withdrawn because new drawing and specification overcomes the previous objections.
6. Rejection of claim 1 under 35 U.S.C. under 112 second paragraph is withdrawn because amendment of claim overcomes the previous rejection.
7. Applicant's arguments with respect to the prior art rejection over **claims 1, 9, and 14-18** are persuasive and are in the condition of allowance.
8. Regarding **claim 19**, it is a computer readable medium claim. The specification discloses "computer readable medium is defined as CD-ROM, Floppy Disk, DVD or **the like**" (pp.33, line 16-20). However, "the like" can include transitory medium such as signal. Therefore, it is rejected as non-statutory under 35 U.S.C. 101.

### *Claim Rejections - 35 USC § 101*

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. **Claim 19** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

11. Regarding **claim 19**, it is a computer readable medium claim. The specification discloses "computer readable medium is defined as CD-ROM, Floppy Disk, DVD or **the like**" (pp.33, line 16-20). However, "the like" can include transitory medium such as signal. Therefore, it is rejected as non-statutory under 35 U.S.C. 101.

***Allowable Subject Matter***

12. **Claims 1, 9, and 14 -18** are allowable.

**Independent claims 1 and 18** recite "...the parallax information being presented in a horizontal direction of the two-dimensional image display\_screen; and a viewing position displacement detecting unit that detects a viewing position displacement amount in the vertical direction of the two-dimensional image display screen, the viewing position displacement amount being a displacement amount between a viewing position on which a three- dimensional image displayed on the three-dimensional image display device is to be observed and an actual position of an observer; a viewing zone shift amount determining unit that determines a shift amount of the parallax information in the vertical direction based on the viewing position displacement amount; and a viewing zone adjusting unit that shifts the parallax information disposed on each pixel of the two-dimensional image display screen in the vertical direction by the shift amount..." which are features that are not

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anticipated nor obvious over the art of record. **Dependent claims 9 and 14-17** are dependent on the allowable claim 1, therefore they are allowed too.

13. **Claim 19** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEE-YONG KIM whose telephone number is (571)270-3669. The examiner can normally be reached on Monday-Thursday, 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HEE-YONG KIM/  
Examiner, Art Unit 2621

/Andy S. Rao/  
Primary Examiner, Art Unit 2621  
September 30, 2010